

Message Text

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ORIGIN AF-18

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DRAFTED BY OASD/ISA:LTC SIGLER:PCS

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L/PM:TBOREK

J-5:COL RAWLINGS

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R 191850Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA

USCINCEUR

INFO JCS

CSA

CHMAAG ADDIS ABABA

C O N F I D E N T I A L STATE 206573

E.O. 11652:GDS

TAGS:MASS,ET

SUBJECT:EXCESS MAP WEAPONS ETHIOPIA

REFERENCES: (A) STATE 149251; (B) ADDIS 9876; (C) CINCEUR
14304 DTG 281115Z AUG 73; (D) STATE 186023; (E) ADDIS 2286;
(F) ADDIS 2611; (G) ADDIS 4948; (H) CMAAG DTG 211330Z MAY
74; (I) STATE 106789; (J) CINCEUR 10156 DTG 051020Z JUN 74;
(K) ADDIS 6799; (L) STATE 129818; (M) CINCEUR 13707 DTG
011359Z AUG 74

JOINT STATE/DOD MESSAGE

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1. DEPT AND DOD HAVE COMPLETED REVIEW LEGAL AND POLICY

ISSUES DISCUSSED REFTEL AND CONCUR IN FOLLOWING INTER-
PRETATIONS AND GUIDELINES.

2. THERE IS NO REPEAT NO LEGAL OBLIGATION ON USG TO SEEK
RETURN M1 RIFLES GIVEN IEG UNDER MAP. WEAPONS WERE GIVEN
IEG UNDER 1953 MUTUAL DEFENSE AGREEMENT WHICH INCLUDES
"INTERNAL SECURITY" AS A PURPOSE FOR WHICH GIVEN. EMERGENCY
STRIKE FORCE (ESF) USE APPEARS TO BE WITHIN CONCEPT OF
INTERNAL SECURITY; THEREFORE, U.S. AGREEMENT TO TRANSFER
FROM TERRITORIAL ARMY (TA) TO ESF NOT LEGALLY REQUIRED.
TO EXTENT LETTERS FROM MCCAFFREY, COLLINS AND KELLEY
(REFTELS E AND G) ARE CITED ACCURATELY, AUTHORITIES
POSSESSING OSTENSIBLE AUTHORITY HAVE EXPRESSLY AGREED TO

USE OF WEAPONS FOR ETHIOPIAN COUNTER-INSURGENCY OPERATIONS.

3. SECTION 112 OF FAA PROHIBITING ASSISTANCE, INCLUDING
MAP, FOR POLICE TRAINING AND RELATED PROGRAMS, IS
BINDING RESTRICTION ON USG BUT DOES NOT IN ITSELF IMPOSE
OBLIGATION ON RECIPIENT GOVERNMENT TO REFRAIN FROM
USING MAP EQUIPMENT IN POLICE ACTIVITIES OR REQUIRE THAT
RECIPIENT GOVERNMENT AGREE TO SO REFRAIN AS CONDITION OF
FURTHER MAP ELIGIBILITY. SECTION 112 WOULD, HOWEVER,
PRECLUDE ASSISTANCE TO ESF SHOULD ESF ENGAGE IN, OR BE
ASSIGNED, ONGOING LAW ENFORCEMENT FUNCTIONS NORMALLY
PERFORMED BY POLICE (E.G. CRIMINAL INVESTIGATION, ARREST
OR HANDLING OF CIVILIAN PRISONERS) ALTHOUGH THERE IS NO
LEGAL RPT LEGAL REQUIREMENT THAT PREVIOUSLY-SUPPLIED
MAP MATERIEL BE RETURNED TO USG OR TRANSFERRED TO OTHER
UNITS. IF ESF CONTINUES TO OPERATE AS A PARA-MILITARY
UNIT SERVING AS BACKUP TO POLICE IN MAINTAINING ORDER
DURING EMERGENCIES WITHOUT PERFORMING NORMAL POLICE
FUNCTIONS ON ONGOING BASIS, FURTHER ASSISTANCE TO ESF
WOULD NOT BE PROHIBITED UNDER SECTION 112.

4. EXCESS MAP WEAPONS MAY BE ISSUED ON BASIS OF TA
WEAPONS CEILING CONSISTING OF ACTUAL TA MANNING PLUS
GAINS ANTICIPATED DURING SUCCEEDING 12-MONTH PERIOD PLUS
TEN PERCENT MAINTENANCE FLOAT (PER REFTEL C). CONTROL
AND DISPOSITION PROCEDURES DESCRIBED REFTEL B SHALL APPLY
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EXCEPT THAT NO STOCKPILE SHALL BE ACCUMULATED IN EXCESS
OF INCREASE ANTICIPATED DURING SECOND 12-MONTH PERIOD.
SCHEDULE OF PERIODIC INVENTORY INSPECTIONS AND REPORTS
SHALL CONFORM TO GUIDANCE ISSUED BY USCINCEUR AND IN NO
EVENT SHALL FREQUENCY BE AT INTERVALS GREATER THAN 12-
MONTHS.

5. IN LIGHT OF ABOVE, THERE IS NO NEED TO WITHDRAW

WEAPONS FROM ESF WHILE CURRENTLY ENGAGED IN ERITREAN OPERATIONS. IF EMBASSY DETERMINES THAT ESF IS PERFORMING ONGOING POLICE FUNCTIONS, DEPARTMENT AND DOD SHOULD BE INFORMED SO THAT WE MAY MAKE POLICY REVIEW. WE AGREE THAT AS POLICY MATTER IEG SHOULD NOTIFY EMBASSY/MAAG BEFORE TRANSFERRING MAP PROVIDED EQUIPMENT FROM TA TO ESF. KISSINGER

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